(翻譯本)

本局檔號：　B10/1C
　　　　　　B1/15C

致：　所有認可機構
　　　行政總裁

敬啟者：

**《打擊洗錢及恐怖分子資金籌集指引》－核實地址規定**

香港金融管理局(金管局)與其他有關當局[1]一直有檢視適用於金融機構[2]的打擊洗錢及恐怖分子資金籌集監管規定的各個事項，當中包括《打擊洗錢及恐怖分子資金籌集指引》(《打擊洗錢指引》)所載的核實地址規定。

因應相關持份者就打擊洗錢及恐怖分子資金籌集程序的回應及業界發展，金管局與其他有關當局已同意刪除現時載於《打擊洗錢指引》的核實地址規定。因此，就打擊洗錢及恐怖分子資金籌集目的而言，金融機構只須收集客戶及／或實益擁有人的地址資料，而無需收集相關的文件證明。《打擊洗錢指引》內與刪除核實地址規定相關而將予修改的段落，已列載於*附件*。這些修改預計會連同因通過《2017 年打擊洗錢及恐怖分子資金籌集(金融機構)(修訂)條例草案》[3]而須對《打擊洗錢指引》作出的其他修訂[4]，暫擬於 2018 上半年於憲報一併刊登。

就目前而言，任何沒有核實地址的情況(如*附件*各段落所載)將被金管局及其他有關當局視作《打擊洗錢指引》第 1.7 段所指的有依據。認可機構可在切實可行的情況下盡快開始檢視及採納有關變動。

部分認可機構應注意在某些情況下基於其他原因(例如集團規定、其他本地或海外法律及監管規定[5])可能仍須核實客戶的地址。在這些情況下，認可機構應向客戶清楚解釋要求核實地址的原因。

若對本通告有任何疑問，請聯絡林靖梅女士(2878 1356)或張志恆先生(2878 8305)。

助理總裁 (法規及打擊清洗黑錢 )
戴敏娜

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[1] 其他有關當局為證券及期貨事務監察委員會、保險業監管局及香港海關。

[2] 金融機構指：認可機構；持牌法團；經營長期業務或就長期業務提供意見的獲授權保險人、獲委任保險代理人及獲授權保險經紀；以及持牌金錢服務經營者。

[3] 該條例草案正於立法會接受審議。

[4] 該條例草案包括修訂電傳轉帳規定的建議，因此《打擊洗錢指引》第 10 章亦須作相關修訂，包括核實地址的規定。

[5] 例如，註冊機構應注意《證券及期貨事務監察委員會持牌人或註冊人操守準則》第 5.4 段(該段亦稱為「客戶身分規則」)。

2017年10月11日

連附件(英文版)

**Annex**

**Summary of relevant paragraphs of the AML Guideline that will be amended**

| AML Guideline Reference | Current Requirements | Proposed Changes |
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| Customers – Individual (Paragraph 4.8.8) | An FI should obtain and verify the residential address (and permanent address if different) of a direct customer with whom it establishes a business relationship as this is useful for verifying an individual's identity and background. | FIs are required to collect residential address[1]. |
| Customers – Trust (Paragraph 4.8.9) | For avoidance of doubt, it is the trustee of the trust who will enter into a business relationship or carry out a transaction on behalf of the trust and who will be considered to be the customer. The address of the trustee in a direct customer relationship should therefore always be verified. | FIs are required to collect the address of the trustee. |
| Customers – Corporation (Paragraph 4.9.7) | An FI should obtain and verify the following information in relation to a customer which is a corporation:<br><br>(a) full name;<br>(b) date and place of incorporation;<br>(c) registration or incorporation_number; and<br>(d) registered office address in the place of incorporation.<br><br>If the business address of the customer is different from the registered office address in (d) above, the FI should obtain information on the business address and verify as far as practicable. | FIs are required to collect the registered address and principal place of business. |
| Customers – Corporation (Paragraph 4.9.10(c)) | FIs should verify the company's registered office address in the place of incorporation. | To be repealed |
| Beneficial owners (Paragraph 4.3.6) | For beneficial owners, FIs should obtain the residential address (and permanent address if different) and may adopt a risk-based approach to determine the need to take reasonable measures to verify the address, taking account of the number of beneficial owners, the nature and distribution of the interests in the entity and the nature and extent of any business, contractual or family relationship. | FIs are required to collect the residential address of beneficial owners[1]. |

[1] Besides, FIs are no longer required to collect and verify permanent address of a natural person customer and beneficial owner.

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| Other connected parties (Footnote 34 – High risk situations) | Consideration might be given to obtaining, and taking reasonable measures to verify, the addresses of directors and account signatories. | To be repealed |
| Delay in identity verification (Footnote 16) | The same principle applies to the verification of address for a direct customer; an example of a reasonable timeframe being 90 working days. | To be repealed |
| Verification methods (Paragraphs 4.8.10) | Methods for verifying residential addresses may include obtaining:<br><br>(a) a recent utility bill issued within the last 3 months;<br>(b) recent correspondence from a Government department or agency (i.e. issued within the last 3 months);<br>(c) a statement, issued by an authorized institution, a licensed corporation or an authorized insurer within the last 3 months;<br>(d) a record of a visit to the residential address by the FI;<br>(e) an acknowledgement of receipt duly signed by the customer in response to a letter sent by the FI to the address provided by the customer;<br>(f) a letter from an immediate family member at which the individual resides confirming that the applicant lives at that address in Hong Kong, setting out the relationship between the applicant and the immediate family member, together with evidence that the immediate family member resides at the same address (for persons such as students and housewives who are unable to provide proof of address of their own name);<br>(g) mobile phone or pay TV statement (sent to the address provided by the customer) issued within the last 3 months;<br>(h) a letter from a Hong Kong nursing or residential home for the elderly or disabled, which an FI is satisfied that it can place reliance on, confirming the residence of the applicant;<br>(i) a letter from a Hong Kong university or college, which an FI is satisfied that it can place reliance on, that confirms residence at a stated address;<br>(j) a Hong Kong tenancy agreement which has been duly stamped by the Inland Revenue Department;<br>(k) a current Hong Kong domestic helper employment contract stamped by an appropriate Consulate (the | To be repealed |

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| | name of the employer should correspond with the applicant's visa endorsement in their passport);<br>(l) a letter from a Hong Kong employer together with proof of employment, which an FI is satisfied that it can place reliance on and that confirms residence at a stated address in Hong Kong;<br>(m) a lawyer's confirmation of property purchase, or legal document recognising title to property; and<br>(n) for non-Hong Kong residents, a government-issued photographic driving license or national identity card containing the current residential address or bank statements issued by a bank in an equivalent jurisdiction where the FI is satisfied that the address has been verified. | |
| Verification methods (Paragraphs 4.8.11) | It is conceivable that FIs may not always be able to adopt any of the suggested methods in the paragraph above. Examples include countries without postal deliveries and virtually no street addresses, where residents rely upon post office boxes or their employers for the delivery of mail. Some customers may simply be unable to produce evidence of address to the standard outlined above. In such circumstances FIs may, on a risk sensitive basis, adopt a common sense approach by adopting alternative methods such as obtaining a letter from a director or manager of a verified known overseas employer that confirms residence at a stated overseas address (or provides detailed directions to locate a place of residence).<br><br>There may also be circumstances where a customer's address is a temporary accommodation and where normal address verification documents are not available. For example, an expatriate on a short-term contract. FIs should adopt flexible procedures to obtain verification by other means, e.g. copy of contract of employment, or bank's or employer's written confirmation. FIs should exercise a degree of flexibility under special circumstances (e.g. where a customer is homeless). For the avoidance of doubt, a post office box address is not sufficient for persons residing in Hong Kong or corporate customers registered and/or operating in Hong Kong. | To be repealed |